

To: Secretary, FCC

Re CC Docket No. 99-333

EX PARTE OR LATE FILED

MCI Worldcom-Sprint Merger Resolution

submitted to the

Federal Communication Commission

by

National Association of the Deaf

TDI

and

Consumer Action Network

April 5, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

WHEREAS: The Telecommunications Advocacy Network of the National Association of the Deaf (NAD), Telecommunications & Media Accessibility for People Who are Deaf, Late-Deafened, Hard of Hearing or Deaf-Blind (TDI), and the Consumer Action Network of Deaf and Hard of Hearing Consumers (CAN) have recognized the importance of ensuring high quality of relay service, and thus have concerns regarding the proposed MCI Worldcom-Sprint merger;

WHEREAS: Sprint has handled the vast majority of TRS call activity in the USA winning more state contracts than all providers combined;

WHEREAS: Sprint has been crucial in promoting and assuring acceptable quality TRS;

WHEREAS: Sprint has made concerted efforts to recruit and retain Deaf and Hard of Hearing individuals for their TRS team;

WHEREAS: We are anxious to preserve and perpetuate a competitive arena in the TRS industry;

WHEREAS: MCI Worldcom, in the last few years, appears to be significantly reducing its commitment to the TRS industry;

WHEREAS: In a number of states, where MCI Worldcom has offered TRS, the poor quality of service and lack of continued commitment has resulted in states entering litigation, assessing liquidated damages, and/or demanding corrective actions;

WHEREAS: Consumers are concerned about MCI Worldcom's long-term commitment to TRS;

WHEREAS: There has been intensive discussion among consumers and leaders that has unanimously resulted in the need to express serious concerns to the FCC about the impact of the proposed merger of Sprint and MCI Worldcom on TRS, and to seek the FCC's intervention; and

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WHEREAS: The FCC has recently taken steps to initiate continued improvement in TRS services.

THEREFORE: The NAD, TDI, and the CAN requests that the FCC require that MCI Worldcom and Sprint, as part of their merger proposal, be mandated to present plans to the FCC to ensure high quality TRS and a competitive environment within the TRS industry as a stipulation for FCC approval of the proposed merger; and

FURTHERMORE: This coalition asks that prior to approving such merger the FCC review such plans and seek approval of the proposal via a consumer panel consisting of representatives from the organizations represented in this resolution, to ensure that the proposed plan will continue or exceed the level of quality currently provided by Sprint TRS program.

Respectfully submitted by:

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Statement of Requests
For The
Federal Communications Commission
Regarding The
MCI WorldCom-Sprint Merger**

**TDI
April 5, 2000**

TDI hereby submits this list of requests to the Federal Communications Commission (FCC) regarding its review of the MCI WorldCom-Sprint merger application. This statement of requests concerning the merger application review is divided into two parts. The first part consists of TDI's requests concerning the MCI WorldCom-Sprint merger generally, and the second part outlines TDI's requests specifically concerning the merged corporate entity as a TRS provider. These requests of the FCC do not reflect any position of TDI either in support of, or opposed to, this proposed merger, but rather are requests that we would hope the FCC could take into consideration during their review of this proposed corporate merger.

Requests Concerning The MCI WorldCom-Sprint Merger Generally:

- a) TDI requests that the FCC ensure that MCI WorldCom-Sprint is committed to either maintaining the present level, or increasing the level, of funding for research and development (R&D) within the merged organization. Corporate mergers frequently result in a reduction of total operating costs in order to maximize profits, and this all too often includes a reduction in R&D funding. Any reduction in R&D funds usually has an adverse impact in the future on the availability of accessible products and services for individuals with disabilities, including those who are deaf, late-deafened, hard-of-hearing, or deaf-blind.
- b) TDI requests that the FCC ensure that MCI WorldCom-Sprint would maintain an affirmative action policy regarding hiring of persons with disabilities for clerical, specialized, and administrative positions. In particular, TDI requests that the FCC ensure that MCI WorldCom-Sprint conduct its recruitment and promotion

activities so as to recruit and retain persons who are deaf, late-deafened, hard-of-hearing, or deaf-blind for a wide range of corporate positions, including those in management, sales and customer relations.

- c) TDI requests that the FCC ensure that MCI WorldCom-Sprint make products and services available to its customers in adequate supply regardless of geographic location and business or residential status. Many Americans with disabilities, especially those who are deaf, late-deafened, hard-of-hearing, or deaf-blind, live or operate businesses in rural areas. It is important that the merged corporate infrastructure be enhanced so as to guarantee that the merged corporate entity be able to provide greater access and delivery capabilities throughout all of its market areas.
- d) TDI requests that the FCC ensure that MCI WorldCom-Sprint would routinely conduct assessments on the telecommunications and information needs of individuals with disabilities, including those that are deaf, late-deafened, hard-of-hearing, or deaf-blind.
- e) TDI requests that the FCC ensure that MCI WorldCom-Sprint would guarantee that any emerging and future telecommunications technology distributed to its customers, including people with disabilities, would be compatible with any telecommunications technology and service currently used by them, or that a period of transition for transfer of one technology to another would go orderly and smoothly. Furthermore, TDI requests that the FCC ensure that any new product or service offering undergoes review and market testing with people with disabilities in the design and development stages. This is essential to ensure that persons who are deaf, late-deafened, hard-of-hearing, or deaf-blind experience functional equivalency with the general population.
- f) TDI requests that the FCC ensure that MCI WorldCom-Sprint maximizes the number and availability of accessible telecommunications products and services for persons with disabilities, including those who are deaf, late-deafened, hard-of-hearing, or deaf-blind, and that those offerings are made available at a cost comparable to those that are enjoyed by the general population.
- g) TDI requests that the FCC ensure that MCI WorldCom-Sprint establishes and maintains consumer advisory groups that include representatives from national, state and local organizations that represent individuals with disabilities, including those who are deaf, late-deafened, hard-of-hearing, or deaf-blind. These

mechanisms would provide consumers avenues and opportunities to give input and evaluation on the merged entity's existing and emerging products and services, as well as other telecommunications issues.

Requests Concerning The MCI WorldCom-Sprint Merger Specifically Focused On The Merged Corporate Entity As A TRS Provider:

- a) TDI requests that the FCC ensure that the provision of TRS by the merged corporate entity be of the highest quality level, consistent with the excellent services that Sprint has provided during the past. Furthermore, TDI requests that the FCC would ensure that the merged corporate entity keep intact the infrastructure, management and staff, customer relations, and technical operations that have contributed to Sprint's current success in 27 states.
- b) TDI requests that the FCC ensure that the merged corporate entity treat TRS as a vital consumer-business service, and not judge it solely by its profitability as a cost center.
- c) TDI requests that prior to the FCC's granting full or conditional approval for the merger, a special report for the FCC's review be prepared and submitted by MCI WorldCom-Sprint detailing its 12-month, 5-year, and 10-year plans for its overall TRS operations. Furthermore, the FCC is requested to ensure the intent is with the merged corporate entity to meet or exceed FCC's TRS rules, and to fully commit to its TRS contract obligations as well as to upgrade its TRS offerings as new technologies are developed.
- d) TDI reiterates its previous request in conjunction with the recent TRS Coalition recommendations that the FCC establish an administrative mechanism to set quality standards, as well as to monitor and evaluate TRS operations, on a national basis. If such a mechanism existed today, the FCC would have the opportunity to get advice from this mechanism in order to help it evaluate the implications for the TRS industry as a result of this proposed merger, and to get a recommendation in order to help it make an overall decision on the merger. If this merger takes place, this mechanism would continue to monitor the TRS operations of the merged corporate entity, as well as those of other TRS providers.
- e) TDI requests that the FCC ensure that the successful approaches used in developing TRS by Sprint be applied to the planning and design of any new accessible telecommunications products and services for individuals with disabilities by the merged corporate entity.

- f) TDI requests that the FCC, if it were to grant approval to the MCI WorldCom-Sprint merger, that it only do so after being given assurances by MCI WorldCom and Sprint that the quality, availability, accessibility, and affordability of products and services, including TRS, will be provided to its customers anytime and anywhere.